



CHAPTER 9

AN ORDINANCE RESPECTING HAMLETS

(assented to February 1, 1969)

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short Title

Short title 1. This Ordinance may be cited as the *Hamlet Ordinance*.

Interpretation

- Definitions
- "Business" 2. In this Ordinance,
- "Chairman" (a) "business" includes a profession, trade, manufacture or undertaking of any kind and an adventure or concern in the nature of trade but does not include an office or employment;
- "Council" (b) "chairman" means the chairman of the council of a hamlet;
- "Councillor" (c) "council" means a council of a hamlet established under this Ordinance;
- "Elector" (d) "councillor" means a member of a council;
- "Fiscal year" (e) "elector" means a person who is eligible to vote at an election of councillors;
- "Hamlet" (f) "fiscal year" means the period beginning on and including the 1st day of April in one year and ending on and including the 31st day of March in the next year;
- "Highway" (g) "hamlet" means any portion of the Territories established as a hamlet under this Ordinance;
- "Secretary-manager" (h) "highway" includes streets, lanes, alleys and by-ways; and
- (i) "secretary-manager" means the secretary-manager of a council.

Establishment of Hamlets

- Establishment of hamlet by Commissioner 3. (1) Where it appears desirable to the Commissioner that a settlement in the Territories that
- (a) is not incorporated as a municipality established under an Ordinance of the Territories; and
- (b) has developed sufficiently so as to warrant participation of its residents in the governing of its local affairs,

be incorporated as a hamlet, he shall cause a notice to be posted in at least two conspicuous places within the settlement to be established as a hamlet, stating that it is proposed on the date set out in the notice, which date shall be at least three months subsequent to the posting of the notice, to establish a hamlet.

- Appeal to Commissioner (2) Any resident of a proposed hamlet may, within three months of the posting of the notice referred to in subsection (1), appeal in writing to the Commissioner against the establishment of a hamlet.

- Name and boundaries (3) On the date referred to in subsection (1), and after hearing any appeal made pursuant to subsection (2), the Commissioner may by order establish a hamlet and fix the name and boundaries thereof.

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Petition by residents

4. (1) The Commissioner may, where
(a) he receives a petition requesting the establishment of a hamlet from twenty-five or more persons of nineteen years of age or over and residing in a settlement; and
(b) the settlement referred to in paragraph (a) is not incorporated as a municipality and has developed sufficiently so as to warrant participation of its residents in the governing of its local affairs,
cause a notice to be posted in at least two conspicuous places within the settlement to be established as a hamlet stating that it is intended to establish a hamlet on the date set out in the notice, which date shall be at least three months subsequent to the posting of the notice.

Petition against establishment of hamlet

(2) Any resident of a settlement that is proposed to be established as a hamlet may, within three months of the posting of the notice referred to in subsection (1), appeal to the Commissioner in writing against the establishment of a hamlet.

Date of establishment of hamlet

(3) The Commissioner may by order establish a hamlet and fix the name and boundaries thereof

- (a) where no petition against the establishment of a hamlet is made, on the date set out in the notice referred to in subsection (1) or at such later date as he deems expedient; or
(b) where a petition against the establishment of a hamlet is made, on the date he refused the petition, but such date shall be not less than three months subsequent to the posting of the notice referred to in subsection (1).

Body corporate Powers to be exercised by council

5. Every hamlet is a body corporate.
6. The powers of a hamlet shall be exercised by the council of the hamlet.

Council of a Hamlet

Council

7. (1) The council of a hamlet shall consist of six or eight councillors as may be fixed by the Commissioner in the order establishing the hamlet.

Reduction of size of council

(2) Where a council of a hamlet consists of eight councillors, the Commissioner may make an order reducing to six the number of councillors of a hamlet and, where such an order is made, the number of councillors to be elected at the next two elections shall be three.

Increase of size of council

(3) Where a council of a hamlet consists of six councillors, the Commissioner may make an order increasing to eight the number of councillors of a hamlet and, where such an order is made, the number of councillors to be elected at the next two elections shall be four.

Councillors in office

(4) An order made pursuant to subsection (2) shall in no way affect the term of office of a person who is a councillor at the time the order is made.

Term of office

(5) Councillors of a hamlet shall be elected in accordance with this Ordinance for a term of two years and their term shall commence on the first day of April next following their election.

First election

(6) In the first election for a council of a hamlet, the half of the councillors receiving the greatest number of votes in that election shall hold office for a term ending two years from the thirty-first day of March next following their election and the other councillors shall hold office for a term ending one year from the thirty-first day of March next following their election.

- Annual elections (7) Elections shall be held annually to replace any councillor whose term expires at the end of that year.
- Councillor resigns, etc. 8. (1) Where a councillor resigns or is unable to perform the duties of his office or the office is vacant, the council shall appoint a person who is qualified to be a councillor to the office, and the person so appointed shall hold office
- (a) until the thirty-first day of March next following, if the vacancy occurs prior to the last Monday in January during the first year of office of the former councillor; or
- (b) for the remainder of the term of the former councillor, if the vacancy occurs subsequent to the date set out in paragraph (a).
- Elections of persons to fill vacancies (2) Where an appointment of a councillor is made pursuant to paragraph (a) of subsection (1), the person elected who obtains the lowest number of votes at the next annual election shall be deemed to be elected as councillor for a term of one year commencing on the first day of April next following the election.
- Chairman of the council 9. (1) The council shall elect one of its members to be chairman of the council, at its first meeting after the first day of April in each year.
- Powers of chairman (2) The chairman shall be the chief executive officer of a council.
- Chairman resigns, etc. (3) Where a chairman resigns or is unable to perform the duties of his office or the office is vacant, the council shall forthwith elect another of its members to act as chairman until the thirty-first day of March next following.
- Municipal Ordinance to apply 10. Sections 6 to 108 of the *Municipal Ordinance* dealing with elections apply to this Ordinance except that the months of December, January, February, March and April respectively shall be substituted for the months of September, October, November, December and January respectively where the latter appear in the *Municipal Ordinance*.

Proceedings of the Council, Officers

- Transaction of business of council 11. (1) A council of a hamlet shall hold its meetings and transact all the business of the corporation within the boundaries of the hamlet, unless otherwise provided by resolution of the council.
- Quorum (2) At all meetings of a council, a majority of the members constitutes a quorum.
- Meetings to be held openly 12. No meetings of a council, other than committee meetings shall be held *in camera* and no person shall be excluded from any meeting except for improper conduct.
- Holding committee meetings *in camera* 13. (1) Where, in the opinion of a council it is in the public interest to hold a council committee meeting *in camera*, the council may by resolution authorize the holding of such a meeting.
- Business to be transacted at open meetings (2) Where a council committee makes recommendations as a result of a meeting held *in camera* under subsection (1), business transacted in respect thereof shall be transacted by the council at a meeting that is open to the public.
- First meeting of council following first election 14. (1) The first meeting of a council following the first election held within the hamlet shall be held within thirty days following the date of the election.
- First meeting of council following election (2) The first meeting of a council following any election after the first shall be held not later than the 15th day of April immediately following the day of the election.

Subsequent
meetings

15. A council shall hold at least one meeting each month at such time and place as may be fixed by resolution of the council.

Special
meeting of
the council

16. (1) A special meeting of a council shall be called by the secretary-manager when he is requested to do so by the chairman or by any two members of the council.

Notice

(2) A written notice stating the time when, the place where and the nature of the business to be transacted at a special meeting of a council shall be given by the secretary-manager by posting a copy thereof in a conspicuous place in his office and by sending one copy of the notice to each member of the council to the place where the members have directed notices to be sent.

Business at
meeting

(3) Forty-eight hours shall elapse between the time of the posting and sending of a copy of the notice referred to in subsection (2) and the holding of the special meeting, and no business other than that stated in the notice shall be transacted at the meeting unless all members of the council are present and agree thereto.

Waiver of
notice

(4) If all councillors are present, the council, by unanimous consent, may waive notice of any meeting and may hold a meeting at any time.

Procedures
of council

17. Subject to this Ordinance, a council may make rules and regulations for the regulation of its proceedings, the calling of meetings, the conduct of its members and generally for the transaction of its business.

Remunera-
tion of mem-
bers of
council

18. A council may by by-law provide for the payment of an allowance not exceeding

(a) ten dollars in the case of the chairman; and

(b) five dollars in the case of each of the other councillors,

for each meeting of the council that the chairman or councillors attend, but the total of such allowances shall not in any one year exceed

(c) in the case of the chairman, five hundred dollars; and

(d) in the case of each of the other councillors, two hundred and fifty dollars.

Failure to
attend
meetings

19. Where any member of a council fails to attend any meetings of the council for a period of three consecutive months, he may be deemed by the Council to have resigned as a member of the council unless he has received permission to absent himself from the council by a majority vote of the members of the council at a duly constituted meeting thereof, which permission shall in no case be for a period in excess of six months.

Oath of
councillors

20. Every member of a Council shall, before entering upon his duties make a public declaration, take an oath or solemn declaration before a person authorized to administer oaths or take affidavits for use in the Northwest Territories, to the following effect:

"I, do solemnly and sincerely promise and swear (declare) that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).
(So help me God)"

Chairman

Chairman

21. The Chairman shall preside over all meetings of the council and shall not vote unless there is an equal division in the council in which he may cast the deciding vote.

Deputy
Chairman

22. A council shall, by resolution, appoint from among its members a deputy chairman who shall, while acting as chairman in the absence, illness or other incapacity of the chairman, perform and exercise the powers and duties of the chairman.

Acting
Chairman

23. In the absence, illness or other incapacity of the chairman and deputy chairman, the members of a council present at a meeting of the council, may after fifteen minutes from the hour set for the meeting, appoint an acting chairman from among themselves who shall have the same authority and shall exercise the same functions in presiding at the meeting as the chairman.

Duties of
chairman

24. A chairman shall have the same powers and duties as those of a mayor or reeve under the *Municipal Ordinance* and shall cause to be prepared, with the advice of the council, the financial estimates of the hamlet.

Secretary-Manager

Secretary-
manager

25. (1) The Commissioner shall, after consultation with a council, appoint a person as secretary-manager of the council.

Term of
office

(2) The secretary-manager shall hold office during pleasure of the council.

Duties of
secretary-
manager

26. (1) The secretary-manager shall
- (a) attend all meetings of the council;
 - (b) record all resolutions, decisions and other proceedings of the council;
 - (c) if so required by the council, record the name of every member voting and whether aye or nay on any question coming before the council;
 - (d) keep the books, records and accounts of the council and preserve them, and file all accounts acted upon by the council;
 - (e) keep the original certified copy of all by-laws of the council; and
 - (f) perform such other duties as the council may direct.

Nature and
form of books
and records

(2) Every council shall cause to be kept books and records of a nature and in a form as the Commissioner may reasonably direct.

Acting
secretary-
manager

27. In the absence of the secretary-manager, the council may appoint an acting secretary-manager who shall during the absence of the secretary-manager, perform the duties of the secretary-manager.

Powers and Duties of the Council

General Provisions as to By-laws

Exercise of
power
Idem

28. The council of a hamlet shall exercise its powers and duties by resolution or by by-law.

(2) A council may exercise any of its powers and duties by resolution unless required by this Ordinance to do so by by-law.

Majority
vote of
council

29. No resolution or by-law of a council shall be valid unless passed by a majority vote of the councillors present at a duly constituted meeting of the council.

Councillor
with
pecuniary
interest

30. (1) No councillor shall take part in or preside over a discussion of or vote on any matter in respect of which he has a pecuniary interest other than an interest as an ordinary payer of community service charges.

Declaration
of pecuniary
interest

(2) Where a councillor has a pecuniary interest as described in subsection (1) in respect of any matter, he shall declare that interest at the meeting of the council at which the matter is to be discussed and such declaration of interest shall be recorded in the minutes of the meeting.

Form of
by-laws

31. Every by-law shall be in writing under the seal of the hamlet and shall be signed by the chairman at the meeting at which the by-law is passed and by the secretary-manager.

By-law to
have three
readings

32. Every by-law shall have three readings before it is passed.

By-law not to
have more than
two readings
at one meeting

33. No more than two readings of a by-law shall be given at any one meeting of a council.

Approval of
by-law by
Commissioner

34. Except where otherwise provided, every by-law shall be submitted to the Commissioner or a person designated by him prior to the third reading thereof for his approval and no by-law shall be valid unless it has been approved by the Commissioner or the person designated by him.

Evidence of
by-law

35. A copy of a by-law under the seal of the hamlet and certified by the secretary-manager to be a true copy of the by-law shall be admitted as evidence of the by-law without further proof thereof.

Copy of
by-law to
be posted

36. (1) A copy of every by-law made by a council shall be posted promptly in a conspicuous place in the office of the secretary-manager and a copy of every such by-law shall be forwarded to the Commissioner within ten days after the passing thereof.

Disallowance

(2) The Commissioner may disallow any by-law referred to in subsection (1) within one year after its passage for any reason that he deems proper.

Council may
have thing
done at
expense of
person in
default

37. Where a council has authority to direct by by-law that a matter or thing shall be done by any person, the council, by the same or another bylaw, may also direct that in his default, the matter of thing shall be done at the expense of that person and the hamlet may recover the expenses thereof together with costs by action in any court of competent jurisdiction.

Infraction of By-laws

Infraction
of by-laws

38. Every person who contravenes this Ordinance or any by-law made under this Ordinance is guilty of an offence and liable on summary conviction to imprisonment not exceeding one month or to a fine not exceeding one hundred dollars or to both.

Quashing of By-laws

Quashing of
by-laws

39. (1) A judge, upon application by any resident of a hamlet or by any other person interested in a by-law of a hamlet, may quash the by-law, in whole or in part, for illegality and may award costs of the application.

Notice of
application

(2) Notice of an application referred to in subsection (1) shall be served upon the secretary-manager at least seven days prior to the date upon which the application is to be made.

Limitation
period

(3) No application referred to in subsection (1) to quash any by-law of a hamlet may be made after the expiration of two months following the final passing of the by-law.

Idem 40. (1) Where a by-law is illegal in whole or in part and where anything has been done under it that by reason of such illegality gives any person a right of action, no action shall be brought until one month after the by-law is quashed or repealed or until one month after notice in writing of the intention to bring action is given to the secretary-manager, whichever is the later.

Action to be brought against hamlet (2) An action brought pursuant to subsection (1) shall be brought against the hamlet and not against any person acting under the by-law.

Highways

Highways 41. All allowances made for roads in a hamlet, all roads laid out pursuant to any Ordinance and all roads properly dedicated to the public use in a hamlet shall be deemed, for the purposes of this Ordinance, to be common and public highways.

Jurisdiction over highways 42. (1) Subject to subsection (2), a hamlet has jurisdiction over all highways within its boundaries, and the management and control of all such highways shall be vested in the hamlet subject to any rights reserved by any other person laying out or dedicating the same.

(2) Subsection (1), sections 46 to 49 and subsection 50 (2) do not apply to a highway in a hamlet that has been declared by the Commissioner to be a highway under his jurisdiction.

Acts done in good faith 43. Where it appears that the council has opened and improved a road or road allowance within the hamlet upon a site that the council believes to be the true site thereof, and if the council has acted in good faith and has taken all reasonable means to inform itself of the correctness of its lines and work, and if it appears that the road or road allowance so opened although not upon the true lines of the road or road allowance is, nevertheless, as near to or as nearly upon the true lines as under the circumstances could then be ascertained, no action shall be brought by any person against the hamlet for or in respect of the opening or improving of such road or road allowance or for any other act or matter connected therewith.

Nuisance 44. No encroachment or nuisance shall be caused or created by any person in or upon any highway within a hamlet.

Highways to be kept in repair 45. (1) Every highway, and every portion thereof, shall be kept in reasonable repair by the hamlet within which it is situated.

Responsibility of hamlet (2) A hamlet is responsible for the construction, maintenance and repair of any sidewalks, poles or other works constructed on any highway within boundaries.

Private roads (3) A hamlet is not liable to keep in repair any highway laid out by a person other than the hamlet unless such highway has been established by by-law as a common and public highway or otherwise assumed by the hamlet as such by public usage.

Damages sustained by reason of non-repair 46 (1) Where a hamlet makes default in keeping in reasonable repair a portion of any highway on which work has been performed or improvements made by the hamlet, it is liable for all damages sustained by any person by reason of such default.

Snow and ice obstructions (2) A hamlet is not liable for any damages caused by the overflow of water in any sewer, road drain, ditch or watercourse if such flow is occasioned by

ice or snow obstructions therein or by reason of unusually heavy rainfall.

Snow and
ice upon
highway

(3) Except in cases of gross negligence, a hamlet is not liable for any personal injury caused by ice or snow upon a highway.

Limitation
period

47. (1) Subject to section 48, no action shall be brought to enforce a claim for damages arising out of the failure of a hamlet to repair a highway, including a sidewalk, unless notice in writing indicating the nature and cause of the damage alleged is served upon or mailed by registered post to the secretary-manager within seven days after the occurrence of the accident complained of.

Idem

(2) Subject to section 48, no action shall be brought to enforce a claim for damages to any vehicle arising out of the failure of a hamlet to repair a highway, unless notice in writing of the accident indicating the place where it occurred, as well as the nature and cause thereof, is served upon or mailed by registered post to the secretary-manager within forty-eight hours after the occurrence thereof.

Duty to
examine
damage to
vehicle

(3) The secretary-manager or, in his absence, any other person designated by the council for the purpose shall cause any vehicle claimed to have been damaged due to the failure of the hamlet to repair a highway to be examined forthwith by a qualified person to determine the cause of the accident and the particulars of the damage alleged.

Commence-
ment of
action

(4) All actions brought under this section shall be commenced within six months after the service or mailing of the notice referred to in subsection (1) or (2).

Where death
results

48. Where death results from any accident arising out of the failure of a hamlet to repair a highway, the failure to serve or mail a notice referred to in subsection 47 (1) or 47 (2) is not a bar to any action in respect thereof and in all other cases the failure to serve or mail such notice or insufficiency of the notice is not a bar to an action if the judge before whom the action is brought finds that there was unreasonable justification for such failure or insufficiency, and that the hamlet has not been prejudiced in its defence of the action.

Examination
of claimant

49. A hamlet may, at any time after receipt of a notice referred to in subsection 47 (1) that an accident has taken place, and either before or after any action in respect thereof has been commenced, cause the claimant or the person who met with the accident to be examined with respect to such accident and any injuries complained of by a qualified medical practitioner who shall submit a report of his examination to the secretary-manager.

Traffic
by-laws

50 (1) Subject to the *Vehicles Ordinance*, a council may make by-laws for the regulation of highway traffic within the hamlet.

Opening of
highways,
etc.

(2) Subject to this Ordinance, a council may make by-laws

- (a) providing for the opening, establishing, making, preserving, maintaining, improving, repairing, widening, enlarging, altering, diverting or closing of highways within the hamlet, and for entering upon, breaking up, taking or using any land required for any such purposes;
- (b) providing for the prevention or removal of any obstructions upon highways within the hamlet;
- (c) setting apart such portions of any highway within the hamlet as it deems necessary in order to provide for a sidewalk, providing for the

construction and maintenance thereof and imposing penalties on persons travelling thereon on horse back, bicycle or other vehicle,

- (d) requiring persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining premises owned or occupied by them.
- (e) providing for the clearing of sidewalks adjoining vacant premises and the premises of persons who, for twenty-four hours, neglect to clear the same, and in the event of non-payment of the expenses thereof by the owner or occupier of such premises providing for such expenses to be recovered by the hamlet in a court of competent jurisdiction; and
- (f) for determining the compensation to be paid by the hamlet to any person for any lands taken, for or injuriously affected by any work of the kind referred to in paragraph (a) or (c) and for authorizing the payment thereof to the person.

Permission
of access
to
residence

51. No council shall close any road, road allowance or highway properly established whereby any person is excluded from ingress and egress to and from his lands or place of residence over such road, road allowance or highway, unless, in addition to reasonable compensation, it also provides for the use of the person some other convenient means of access to his lands or place of residence.

Notice of
by-law to
close high-
way

52. Before making a by-law for the opening, establishing, closing, altering, widening, diverting, selling, conveying or leasing of any highway,

- (a) notice of the proposed by-law shall be posted for a period of not less than one month in six public places in the immediate neighbourhood of the highway; and
- (b) a council shall hear in person or by agent, any person who claims that his lands will be prejudicially or injuriously affected by the by-law and who applies to be heard by the council.

Consent
of owners

53. (1) The provisions of section 52 do not apply where the owners of any land required to be taken for the purpose of establishing, opening or widening a highway consent in writing to the making of a by-law to that effect or where any land so required is vested in the hamlet.

By-law to
be made

(2) Nothing in this section shall be held to authorize a council to dispense with the making of a by-law.

Public Health and Nuisances

Public
health

54. A council may make by-laws in the interests of the public health, for the prevention or abatement of untidy or unsightly conditions and for the prevention of contagious and infectious diseases in the hamlet and, without restricting the generality of the foregoing, may make by-laws

- (a) appointing and defining the duties of a medical officer of health and other public health officers and employees;
- (b) requiring the removal of dirt, filth, dust and rubbish from highways in the hamlet by the person depositing the same and in default thereof for removing the same at his expense;
- (c) requiring the removal from highways in the hamlet of anything deemed dangerous to the health and safety of the inhabitants;
- (d) preventing or regulating the construction of privy vaults and water closets and providing for keeping the same in a proper state of cleanliness

- and repair;
- (e) preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries and other factories and trades that, in the opinion of the council, may prove to be nuisances;
- (f) preventing and abating nuisances generally;
- (g) preventing the putting of anything prejudicial to the health of the inhabitants of the hamlet in any stream or body of water within the hamlet; and
- (h) respecting the burial of the dead within the hamlet.

Fire Prevention

Fire
prevention

55. A council may make by-laws,
- (a) establishing a fire department, appointing the officers thereof, providing for their remuneration and prescribing their duties;
 - (b) providing protection against fire by the purchase of engines and equipment and providing proper buildings for the same;
 - (c) requiring the inhabitants to assist and aid in the extinguishing of fires, requiring the pulling down or razing of any building, structure or other thing in the vicinity of a fire for the purpose of preventing the spreading of such fire;
 - (d) establishing and regulating fire districts;
 - (e) requiring the owner of any building, structure or portion thereof to destroy, alter or remove the same, or any weeds, grass, rubbish or other thing that, in the opinion of the council, constitutes or is likely to constitute a fire hazard or that should be removed for the protection of life or property; and
 - (f) where the owner neglects or refuses to comply with a by-law made under paragraph (e), providing for such destruction, alteration or removal by the council and for recovery of any costs from the owner by action in a court of competent jurisdiction.

Building By-laws

Building
by-laws

56. A council may make by-laws regulating the construction and maintenance of buildings and structures incidental thereto within the hamlet, and, without restricting the generality of the foregoing, may make by-laws
- (a) prohibiting the erection or placing of buildings or other structures that, in the opinion of the council, may constitute a fire hazard;
 - (b) regulating the erection of radio aerial wires or of poles or standards connected therewith;
 - (c) regulating the construction of chimneys, stoves and furnaces, requiring proper care and cleanliness of the same and providing for their periodic inspection;
 - (d) providing for the destruction, removal or alteration at the expense of the owner thereof of any building or structure constructed or placed in contravention of any by-law of the hamlet and for the recovery of any expense thereby incurred by action before a court of competent jurisdiction; and
 - (e) providing for the issuance of building, construction, alteration and removal permits and for the fees to be paid for those permits.

Garbage
collection

Garbage Collection and Disposal, Water Supply

57. (1) A council may make by-laws providing for the

collection, removal and disposal of garbage, refuse and ashes, and may make by-laws

- (a) authorizing the hamlet to enter into a contract with any person for the collection, removal or disposal of any garbage, refuse or ashes;
- (b) specifying the person by whom such garbage, refuse and ashes shall be collected, removed and disposed of, the times at which and the manner in which such collection, removal and disposal shall be effected; and
- (c) providing that the by-laws shall be in force throughout the hamlet, or in such area or areas thereof as may be specified therein.

By-law not subject to approval of Commissioner Water supply, etc.

(2) A by-law made under subsection (1) is not subject to section 34.

58. Subject to any existing franchise, a council may make by-laws

- (a) for the purpose of constructing, operating and maintaining a water supply and purification system and a sewage and drainage system; and
- (b) authorizing the chlorination and fluoridation of the public water supply of the hamlet.

Domestic Animals

Domestic animals

59. (1) A council may make by-laws applicable to the whole or any specified portion of the hamlet

- (a) for restraining, prohibiting and regulating the running at large of dogs, having regard to the sex, breed, size and weight of the dog and the purpose for which the dog is used;
- (b) for issuing dog tags and requiring every dog in respect of which the owner, possessor or harbourer is required to pay a tax to carry a tag, and for providing that a tag shall not be issued in respect of any dog known to be vicious or a public nuisance;
- (c) for appointing a person as dog catcher;
- (d) for impounding dogs running at large and constructing facilities therefor;
- (e) for selling or destroying dogs running at large in contravention of any by-law;
- (f) for determining the amount payable by the owner in respect of any dog impounded or destroyed; and
- (g) generally for the prevention of cruelty to dogs and other animals within the hamlet.

By-law not subject to approval of Commissioner

(2) A by-law made under subsection (1) is not subject to section 34.

General By-laws relating to Protection of Persons and Property

Protection of persons and property

60. (1) A council may make by-laws
- (a) preventing, regulating and controlling the creation and use of billboards, signs or other advertising devices, and preventing the defacing of private or other property by printed or other notices or markings;
 - (b) preventing the public exhibition and display in or near any street, lane, or other public place of placards, play bills, posters, drawings, writings or pictures of an indecent nature or that are designed or may tend to corrupt, demoralize or offend the public or individuals, and for the removal of the same;
 - (c) prohibiting or regulating the discharge of guns and other firearms and the firing and setting off of squibs, crackers or other fireworks;

- (d) regulating and controlling the use of public address systems and similar devices;
- (e) preventing children below a specified age from being on the streets or in other public places in the district after a specified hour at night or at any other time fixed by by-law; and
- (f) providing a public daily curfew notice and the imposition of a fine or other penalty upon the parent or guardian of any child for a breach of such by-law.

By-law not
subject to
approval of
Commissioner

(2) A by-law made pursuant to subsection (1) is not subject to section 34.

Miscellaneous By-laws

Hamlet to
acquire
land, etc.

61. A council may make by-laws authorizing the hamlet to acquire, sell, hold, lease or otherwise dispose of any real or personal property.

Trailers

62. (1) A council may by by-law provide for the licensing and regulating of the location of any trailer used for living accommodation for a period in excess of thirty days.

Fees

(2) A licence fee may be imposed by a by-law made under subsection (1).

Miscellaneous
by-laws

63. (1) A council may make by-laws
- (a) creating and proclaiming any day as a civic holiday within the hamlet;
 - (b) providing for taking of the census of the hamlet;
 - (c) prohibiting or regulating the sale or offering for sale of goods or merchandise in streets, lanes or other public places;
 - (d) regulating the keeping and transporting of combustible or dangerous materials; and
 - (e) providing for naming or numbering streets and avenues within the hamlet, and for changing the names or numbers of any such streets or avenues.

By-law not
subject to
approval of
Commissioner
Grants by
hamlet

(2) A by-law made under subsection (1) is not subject to section 34.

64. A council may make by-laws authorizing the making of grants to any organization or person residing in the hamlet not exceeding, except with the approval of the Commissioner, two hundred dollars in any one fiscal year.

Special
grants

65. Notwithstanding section 64, a council may, by by-law, make a grant to any organization or person in an amount granted to the hamlet for that purpose by the Commissioner on such terms and conditions and for such amount as the Commissioner may prescribe.

Zoning

Zoning
regulations

66. A council may make by-laws
- (a) dividing the hamlet or any portion thereof into areas or zones of such dimensions as the council may specify;
 - (b) designating the areas or zones within which it shall be lawful to erect, construct, alter, repair or maintain any specified class of building and to carry on any specified class of business, trade or calling;
 - (c) designating the areas or zones within which it shall be unlawful to erect, construct, alter, repair or maintain any specified class of building or to carry on any specified class of business, trade or calling;

- (d) designating the areas or zones within which the height, ground area and bulk of buildings erected, constructed, altered or repaired shall be limited, and prescribing the limitations;
- (e) prescribing building lines and the depth, size or area of yards, courts or other open spaces to be maintained, the maximum density of population permitted within any area or zone, the size of rooms and the means of lighting and ventilating the same;
- (f) regulating, restricting or prohibiting in any area or zone the location of all or any classes of industries, businesses, trades or callings and the location of apartment or tenement houses, terraces, club-houses, hospitals, group residences, two-family dwellings, single family dwellings, the several classes of public and semi-public buildings, and generally the location of all buildings or structures designed or used for any purpose specified in the by-law;
- (g) regulating, restricting or prohibiting in any area or zone the public display of advertising, whether by billboard or other structure primarily intended for the display of advertising matter, or upon buildings, erections, walls, fences or other structures primarily intended for other purposes, and the nature, kind, size and description of any advertisement displayed within the zone or area; and
- (h) designating certain areas or zones within which it shall be unlawful to erect or construct any dwelling houses of less value than that specified in the by-law.

Notice of
by-law

(2) The council, before passing a by-law under this section, shall give notice of its intention to do so by notice

- (a) posted in a conspicuous place in the office of the secretary-manager at least ten days before the date fixed for the final passing of the by-law; and
- (b) published prior to the date fixed for the final passing of the by-law in at least two issues of a newspaper circulating in the hamlet.

Objections

(3) The notice referred to in subsection (2) shall state the place where, the date when and the hours during which the terms of the proposed by-law may be inspected by any interested persons, and the time and place set for the consideration by the council of any objections to the by-law.

Hearing of
objections

(4) The council shall make suitable provision for inspection of the terms of a proposed by-law by interested persons, and shall before finally passing the by-law, with or without amendment, hear and determine all objections thereto.

Business Licences

Business
licences

67 (1) A council may make by-laws for the licensing, regulating and controlling of all businesses that are carried on within the hamlet and are not licensed or regulated under an Ordinance, and without restricting the generality of the foregoing, may make by-laws

- (a) fixing the fees to be charged for business licences;
- (b) fixing the period during which licences are to be valid;
- (c) providing for the suspension or forfeiture of a licence for the breach of any condition thereof; and

- (d) governing the conduct of the place of business and of the persons who use or frequent the place.
- Certificate of compensation insurance required (2) No business licence shall be issued by a hamlet unless the application therefor is accompanied by a certificate in the form prescribed by the Commissioner stating that the person making the application has complied with the requirements of the *Workmen's Compensation Ordinance*.
- Report to Commissioner (3) Every hamlet shall, at such times as the Commissioner may direct, make a report to the Commissioner, in the form prescribed by him, of the business licences issued by the hamlet.

Community Service Charge

- Community service charge 68. (1) The council of a hamlet shall by by-law levy a community service charge in an amount not less than fifteen dollars per annum upon every person who
- (a) has attained nineteen years of age, and has an income in excess of five hundred dollars per annum;
 - (b) has resided in the hamlet for a period of three months or more during the year; and
 - (c) is not liable for taxes in respect of lands taxed pursuant to the *Taxation Ordinance*.
- Saving provision (2) Subsection (1) does not apply in respect of a person who
- (a) is a member of a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act*; or
 - (b) is a woman who
 - (i) is the wife of a man who is liable for taxes in respect of lands taxed pursuant to the *Taxation Ordinance*, and is living with him; and
 - (ii) has a personal income excluding allowances under the *Family Allowances Act*, not in excess of three hundred dollars per annum.

- Demand by collector 69. Any person liable to pay a community service charge shall pay the same to a collector appointed by the council for the purpose within three months after demand therefor by the collector.

- Penalty 70. A by-law referred to in section 68 may provide for the imposition of a fine not exceeding the amount of a community service charge upon a person who is liable to pay the community service charge and neglects, refuses or otherwise fails to pay the same as required by section 69.

- Charge to constitute debt due to hamlet 71. Any unpaid community service charge or fine referred to in section 70 for which a person is liable constitutes a debt due by that person to the hamlet and may be recovered by the hamlet, upon filing with the Clerk of the Court a certificate in a form approved by the Commissioner, as a judgment of the Court.

Revenue and Expenditure

- Moneys payable to secretary-manager 72. (1) All moneys payable to a hamlet shall be paid to the secretary-manager.
- Deposit of moneys (2) The secretary-manager shall deposit all moneys received under subsection (1) with a chartered bank in a special account in the name of the hamlet or in trust with such person as the Commissioner may approve.
- Council may authorize payment (3) A council may by resolution or by-law authorize the payment out of the moneys referred to in subsection (2) of any moneys appropriated by the council for the administration of the hamlet.

Signature
of chairman
and secre-
tary-manager
Limitation

(4) No payment may be made under subsection (3) unless an authorization therefor is signed by the chairman and the secretary-manager.

(5) No expenditure of capital in respect of a single project in excess of five thousand dollars may be made by a hamlet without the prior approval of the Commissioner.

Offences and Penalties

Interfer-
ence with
officer of
hamlet

73. Every person who interrupts, hinders or molests any person while engaged under the authority of a hamlet in making an examination of or in constructing, maintaining or repairing any public work in the hamlet or any work connected therewith on any land in the hamlet is guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding thirty days or to both.

Recovery of
fines and
penalties

74. All fines and penalties imposed by or under the authority of this Ordinance shall upon recovery be paid to the secretary-manager for deposit pursuant to section 72.

Appointment of Administrator

Appointment
of adminis-
trator

75 (1) In any case where a hamlet is in serious financial difficulty and the Commissioner deems it in the best interests of the hamlet and the creditors thereof that its affairs be conducted by an independent administrator, the Commissioner may, by order, appoint a fit and proper person as the administrator of such hamlet for a period not exceeding one year.

Council
deemed to
have
retired

(2) From and after the date of appointment referred to in subsection (1), the then existing council shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the hamlet, or to exercise any of the powers and duties vested in the council by this or any other Ordinance.

Powers and
duties of
administra-
tor

76. From and after the time when the appointment of an administrator becomes effective and he assumes office, the administrator, subject to this Ordinance, shall have, possess, enjoy and may exercise all the powers and duties of the council duly constituted, and shall be subject to all the restrictions and responsibilities attached thereto.

Right to
receive
documents

77. (1) An administrator may demand and is entitled to receive from the proper officers of a hamlet all moneys, securities, evidences of title, books, by-laws, papers and documents of or relating to the affairs of the hamlet, in their possession or under their control.

Failure to
comply with
demand of ad-
ministrator
Administra-
tor to be
guided by
advice of
Commissioner

(2) Any person who fails or refuses to comply with a demand made under subsection (1) is guilty of an offence punishable on summary conviction.

Committee
of
electors

78. (1) In the administration of the affairs of a hamlet, and prior to the making of any expenditure or the incurring of any liability on account of the hamlet, the administrator shall consult with and be guided by the advice and directions of the Commissioner, as the order appointing the administrator or any subsequent order from time to time provides.

(2) The Commissioner may appoint a local committee of two or more electors with whom an administrator may consult in relation to the conduct of the affairs of the hamlet.

Release of
outstanding
assets

79. (1) For the purpose of realizing upon the outstanding assets of a hamlet comprising of arrears of licences, charges and other liquid assets, the administrator shall have all the powers and duties of the council under this Ordinance and shall use all lawful means for collecting and realizing upon the same.

Expenditure
of amounts
realized

(2) All amounts realized upon the assets referred to in subsection (1) shall be devoted to the payment of the then existing liabilities of the hamlet in such manner and to such extent as is determined by the Commissioner.

Right of Com-
missioner
to determine
charge rates

80. Notwithstanding anything in this Ordinance, the Commissioner shall have the exclusive right to determine the rates upon which charges shall be levied in any hamlet for which an administrator has been appointed.

Books of
account

81. (1) An administrator shall keep proper and correct books of account relating to the affairs of the hamlet, showing the true and exact financial condition thereof, and such books shall, at any time, be open to the examination and inspection of any elector, the Commissioner or any person authorized by him in that behalf.

Statements
of account

(2) At least once every month or as specified in the order of appointment, an administrator shall furnish to the Commissioner a statement of the financial condition of the hamlet, including its assets and liabilities.

Records

(3) A record of all proceedings had and taken by an administrator from time to time, relating to the affairs of the hamlet, shall be kept by the administrator.

By-laws to
be approved
by
Commissioner
Compensation

82. All by-laws passed by an administrator for the purposes of the hamlet shall, before becoming effective, be submitted to and approved by the Commissioner.

83. An administrator shall be paid such compensation for his services, in addition to all reasonable travelling and other expenses incurred by him, as the Commissioner determines.

Revocation
of appoint-
ment of ad-
ministrator

84. In any case where the Commissioner in his discretion considers it advisable to provide that the affairs of a hamlet shall again be conducted by a council, he may by order revoke the appointment of the administrator and make suitable provisions for the election of a new council for the hamlet, and may, if he deems proper, require the hamlet and its officers to submit to him from time to time for approval its programme of expenditures as provided in the case of a hamlet under the supervision of an administrator.

Dissolution of Hamlet

Application
to dissolve
hamlet

85. (1) The council of a hamlet may, by resolution, apply to the Commissioner to have the hamlet dissolved.

Commissioner
may dissolve

(2) The Commissioner may by order, dissolve a hamlet.

Assent of el-
ectors may be
required

(3) The Commissioner may, before proceeding with an application pursuant to subsection (1), require the assent of the electors of the hamlet.

Disposition
of assets

(4) The Commissioner shall, in every order dissolving a hamlet, provide the disposition of assets and liabilities of the hamlet in such a manner as may be agreed upon or, in default of agreement, as the Commissioner may deem equitable.

Board of
Inquiry

(5) The Commissioner may appoint a Board of Inquiry consisting of not more than three persons and fix their remuneration who shall inquire into and report to the Commissioner upon the disposition and adjustment of assets and liabilities and the rights, claims and obligations of and against the hamlet, the report to be filed with the Commissioner shall consider the report and may hear such representations with respect thereto as he may think fit and may adopt, vary or amend the report or refer it back to the Board of Inquiry for further consideration, and the order of the Commissioner adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon the hamlet and all persons affected thereby.

Commissioner

Commissioner

86. The Commissioner may make regulations respecting the methods of accounting and auditing of accounts by a hamlet.

Variation
of time
fixed

87. (1) Where a thing to be done within a number of days or at a time fixed by or under this Ordinance cannot be or is not so done, the Commissioner, may fix a further or other time for so doing it, whether the time at or within which it ought to have been done has or has not arrived or expired as the case may be.

Validity of
things done

(2) Anything done at or within the time fixed pursuant to subsection (1) is as valid as if it had been done at or within the time fixed by or under this Ordinance.

Repeal and Coming into Force

Repeal of
Local Im-
provement
District
Ordinance

88. The *Local Improvement District Ordinance*, Chapter 61 of the Revised Ordinances of the Northwest Territories, is repealed.

89. This Ordinance shall come into force on a day to be fixed by order of the Commissioner.

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